

## REMARKS

Favorable reconsideration of this application for the reasons noted hereinafter is respectfully requested.

Claims 1-4, 6-13, and 15-18 are pending in this application. No new matter has been added.

In the outstanding Office Action, the drawings and specification were objected to due to informalities; Claims 1, 2, 12, 13, 15, 17, and 18 were rejected under 35 U.S.C. §112, second paragraph as indefinite; Claims 1-4, 6, 8, 11-13, and 15-18 were rejected under 35 U.S.C. §102(e) as anticipated by Kuroshima et al. (U.S. Patent 6,782,426; hereinafter “Kuroshima”); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Hickman et al. (U.S. Patent 7,130,888; hereinafter “Hickman”); and Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Tanno (U.S. Patent 6,374,298).

In response to the objection to the drawings, Applicants respectfully submit that Figure 1 sufficiently shows the feature of communicating via a firewall using a HTTP protocol as Figure 1 shows a network connecting servers 2, 4 to clients 5, 6. 37 CFR § 1.83(a) states that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a graphical representation.” Applicants submit that a detailed illustration of communicating via firewall is not essential for proper understanding of the invention, and that Figure 1 contains sufficient detail for a person to understand how the various devices communicate with each other.

In regard to the objection under 37 C.F.R. § 1.83(a), Applicants note that Figure 22 and the corresponding description in the specification, for example at pages 68, lines 4-13,

describes sending the first packet with a simple program for causing the information terminal to determine which process should be performed by the device.

Accordingly, Applicants respectfully request the objection to the drawings be withdrawn.

In response to the objection to the specification, Applicants respectfully submit that the specification provides proper antecedent basis for a computer readable medium, as Page 8 of the specification describes a program and a storage medium including the program stored thereon.

Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

In response to the rejection of Claims 1, 2, 12, 13, 15, 17, and 18 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that it is clear from the claims what the information included in the “command” is. Further, Applicants agree with the Examiner’s interpretation of the “command” stated on Page 5 of the outstanding Office Action.

Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In response to the rejection of Claims 1-4, 6, 8, 11-13, and 15-18 under 35 U.S.C. §102(e) as anticipated by Kuroshima, Applicants respectfully submit that independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 is directed to:

A control system comprising an information processing apparatus and an information terminal connected with each other via a network, the system comprising:

the information terminal comprising:

request means for, in a state in which a device is connected with the information terminal, requesting the

information processing apparatus to establish communication via the network;

receiving means for receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued by the request means; and

control means for controlling the device in accordance with the command included in the packet received by the receiving means,

the information processing apparatus comprising:

establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal; and

transmission means for transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means,

***wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.***

Kuroshima describes that a server expansion module 32 interprets information passed on from an HTTP server module to control a TWAIN control STUB module 33, OCR module 34, image data format conversion module 35, and device reserve state checking module 38, and finally transfers data scanned by the TWAIN device connected to the server to a client using the HTTP server module 31. The TWAIN control STUB module 33 executes a list-up process of a plurality of TWAIN drivers 36 connected via a TWAIN manager module 39, and a selection process of a TWAIN driver from the plurality of drivers 36 in accordance with a client instruction, sets parameters in the selected driver, and passes on image data obtained as a result to the server expansion module 32.<sup>1</sup>

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<sup>1</sup> See Kuroshima at column 11, lines 27-40.

Page 8 of the outstanding Office Action asserts that column 15, lines 47-49, of Kuroshima describes that “the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command,” as recited in Applicants’ Claim 1. However, Kuroshima fails to disclose or suggest the above feature.

That part of Kuroshima which the Office Action relies describes that:

In step S803, the TWAIN control STUB module 33 loads a TWAIN driver for controlling the corresponding TWAIN device 37 using a versatile TWAIN interface. At this time, since the TWAIN driver is launched, since it has already been determined that the corresponding scanner is ready, no error message is displayed on the display of the server PC. In step S804, scan parameters set on the client side are set in the TWAIN driver. With the processes described so far, since the TWAIN device 37 connected to the server is ready to scan, image data is captured by the TWAIN device 37 (using the versatile TWAIN interface) in step S805.<sup>2</sup>

Kuroshima merely describes that a TWAIN driver is selected from a plurality of drivers 36 in accordance with a client instruction. Indeed, one condition in Kuroshima is that “no error” has occurred when the Twain driver is launched. Hence, Kuroshima does not describe that the TWAIN driver includes information indicating whether, when the information terminal *fails to perform a process in accordance with the command, a process should be continued in accordance with a following command*, as in Applicants’ Claim 1. Rather, the condition of Kuroshima appears to be predicated on no failure as opposed to failure.

Accordingly, Applicants respectfully submit that amended independent Claim 1 (and all claims depending thereon) patentably distinguishes over Kuroshima. Independent Claims 2, 3, 12, 13, 15, 17, and 18 also recite a “command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a

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<sup>2</sup> See Kuroshima at column 15, lines 47-57.

process should be continued in accordance with a following command” and are believed to be patentable for at least the reasons discussed above.

Accordingly, Applicants respectfully request the rejection of Claims 1-4, 6, 8, 11-13, and 15-18 under 35 U.S.C. §102(e) as anticipated by Kuroshima be withdrawn.

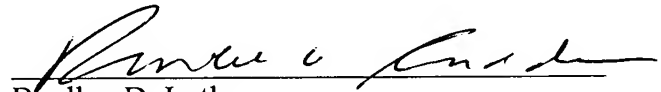
In response to the rejection of Claims 7 and 9-10 under 35 U.S.C. §103(a), Applicants note that Claims 7 and 9-10 are dependent on independent Claim 3 and are thus believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Hickman and Tanno fail to cure any of the above-noted deficiencies of Kuroshima.

Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §103(a) be withdrawn.

Consequently, in view of the above comments, it is respectfully submitted that the outstanding ground for rejection has been overcome and that Claims 1-4, 6-13, and 15-18 patentably define over the prior art. Claims 1-4, 6-13, and 15-18 are therefore believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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